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BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

Case No. AL2009-85

LISA BAO NGO
3030 Centerwood Way
San Jose, California 95148

STATEMENT OF ISSUES

Respondent.

Complainant alleges:

PARTIES

1. Heather Martin (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the California Board of Occupational Therapy, Department of Consumer Affairs.

2. On or about September 23, 2009, the California Board of Occupational Therapy, Department of Consumer Affairs received an application for an Occupational Therapist License from Lisa Bao Ngo. On or about September 17, 2009, Lisa Bao Ngo (Respondent) certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on January 5, 2010.

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4. Section 2570.26(a) of the Code states:

STATUTORY PROVISIONS

"The board may deny or discipline a licensee for any of the following:

...

6. Section 480 of the Code states, in pertinent part:

"(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

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1 "(B) The board may deny a license pursuant to this subdivision only if the crime or act is
2 substantially related to the qualifications, functions, or duties of the business or profession for
3 which application is made."

4 FIRST CAUSE FOR DENIAL OF APPLICATION

5 (Unprofessional Conduct)

6 (Bus. & Prof. Code §§ 2570.28(a) and 480(a)(3))

7 7. Respondent has subjected her application for an occupational therapist license to
8 denial for unprofessional conduct under Code sections 2570.28(a) and 480(a)(3). The
9 circumstances are as follows:

10 a. On January 25, 2008, in San Jose, California, Respondent went to West Star
11 Insurance Agency to purchase an automobile insurance policy from Unitrin Speciality Insurance
12 (Unitrin Specialty) for her 1996 Toyota 4 Runner. On that day, Respondent obtained from
13 Unitrin Specialty automobile insurance policy No. FCIPP2607090. On January 26, 2008,
14 Respondent made a claim on her Unitrin Specialty automobile insurance policy (Claim
15 #500340717). In that claim, Respondent reported that on January 26, 2008, she was in an
16 automobile accident when the vehicle she was driving, her 1996 Toyota 4 Runner, collided with a
17 car being driven by Natty Medrano. In fact, the accident occurred the day before Respondent
18 purchased the Unitrin Specialty policy.

19 b. The January 24, 2008 accident occurred when Respondent, operating the 1996 Toyota
20 4 Runner, attempted to pull out of a Target parking lot in San Jose, California, but failed to stop
21 before striking a vehicle in front of her that was being driven by Natty Medrano. Ms. Medrano's
22 sister, Dina Miranda, was also in the car when the accident occurred. After the collision,
23 Respondent told Ms. Medrano that she was insured and presented to Ms. Medrano the CSAA
24 automobile insurance policy (#5F91322) for the 1996 Toyota 4 Runner. After the accident,
25 Medrano contacted her insurance company, which was also CSAA, and made a claim (#01-
26 KN2507-6) and advised them of the accident. Both Medrano and her sister, Dina Miranda,
27 sought and obtained medical attention on the day of the accident.

28 c. On January 24, 2008, the 1996 Toyota 4 Runner was owned by Respondent's
uncle, Anh The Huynh. The vehicle's CSAA automobile insurance policy (#5F91322) had

1 expired and it was not insured. On January 25, 2008, Respondent's uncle gave his 1996 Toyota 4
2 Runner to Respondent, which enabled her to purchase the Unitrin Specialty automobile insurance
3 policy. Unitrin Specialty denied Respondent's claim after they found out that the accident
4 occurred on January 24, 2008, rather than on January 26, 2008, as reported by Respondent.
5 CSAA later discovered that Respondent did not have automobile insurance when the accident
6 occurred. Under her CSAA uninsured motorist coverage, Ms. Medrano was paid \$1,630.47 to
7 repair her vehicle and to reimburse her and her sister's medical expenses. Thereafter, under a
8 subrogation claim settlement, Respondent agreed to pay CSAA \$1,175.60. On July 2, 2008,
9 Respondent paid the full amount owed to CSAA of \$1,175.60.

10 d. The District Attorney's Office charged Respondent with violating Penal Code
11 section 550(a)(1) (presenting false or fraudulent insurance claim), a felony. Respondent was later
12 convicted of violating Penal Code section 550(b) (presenting false or misleading insurance claim)
13 (see below).

14 SECOND CAUSE FOR DENIAL OF APPLICATION
15 (Conviction of Substantially Related Crime)
16 (Bus. & Prof. Code §§ 2570.28(e) and 480)

17 8. Respondent's application is subject to denial under Sections 2570.28(e) and 480 of
18 the Code in that she was convicted of a crime substantially related to the qualifications, functions
19 or duties of an occupational therapist. Specifically, on or about July 10, 2009, in the Superior
20 Court of the State of California, Santa Clara County, Case No. CC939001, entitled *People of the*
21 *State of California vs. Lisa Bao Ngo*, Respondent was convicted by her plea of nolo contendere of
22 violating Section 550(b) of the Penal Code (presenting false or misleading insurance claim), a
23 misdemeanor. Respondent was placed on Formal Probation for three years upon terms and
24 conditions, which included, but were not limited to: performing 100 hours volunteer work as
25 directed by the Probation Office, and making restitution in the amount of \$650.00 to Unitrin
26 Specialty.

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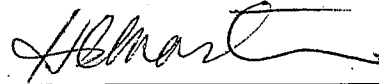
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

1. Denying the application of Lisa Bao Ngo for an Occupational Therapist License;
2. Taking such other and further action as deemed necessary and proper.

DATED: 18 May 2010



HEATHER MARTIN
Executive Officer
California Board of Occupational Therapy
Department of Consumer Affairs
State of California
Complainant

SF2010200399
CR: 05/18/10